IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

WP(C).No. 8087 of 2004(K)

PETITIONER:

K.V.SUBHADRA, UPPER DIVISION CLERK (SG),
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
36/685A, POST BOX NO.1895, KALOOR,
KOCHI 682 017.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.SREEKANTH.K.R
SMT.G.GEETHISHA

RESPONDENTS:
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1. THE REGIONAL PROVIDENT FUND COMMISSIONER
EMPLOYEES PROVIDENT FUND ORGANIZATION,
SUB REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
36/685A, POST BOX NO.1895,
KALOOR, KOCHI-682 017.

2. PEOPLE'S URBAN CO-OPERATIVE BANK
LIMITED, NO.51, REPRESENTED BY ITS BRANCH MANAGER,
P.O.TRIPUNITHURA.

3. SANGEETHA JYOTHI, RESIDINGA T
CHAITHANYA, 1ST FLOOR, HOUSE NO.XVIII/139,
M.K.K.NAIR NAGAR, TRIPUNITHURA, ERNAKULAM 682 301.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, P.F.
SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR) --- R2
SRI.T.A.RAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 8087/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MEMO DT. 18/6/2002.

EXT.P2. COPY OF THE LETTER DT. 21/06/2002.

EXT.P3. COPY OF THE MEMO DATED 25/2/2004.

EXT.P4. COPY OF THE REPRESENTATION DT. 3/3/04.

RESPONDENT'S EXHIBITS NIL.

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.8087 of 2004

Dated 22nd November, 2007.

J U D G M E N T

Petitioner is a surety to a loan availed by the third respondent. The late father of the third respondent was also one of the sureties. It is submitted that the pensionary benefits of the deceased father of the third respondent have not been settled. The further submission is that if the liability of the second respondent bank in respect of the loan availed by the third respondent, for which the petitioner is a surety can be adjusted against the benefits due to the late father of the third respondent, the petitioner need not be troubled. There is no counter affidavit. There will be a direction to the first respondent to look into Ext.P4 afresh with notice to the petitioner, legal heirs of the father of the third respondent and the second respondent bank, and take appropriate action to settle the dues to the second respondent bank from the benefits due to the late father of the third respondent, within a period of three months from the date of production of a copy of the judgment. The interim order passed by this court on 9.3.2004 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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